

## Christchurch and East Dorset Community Infrastructure Levy Draft Charging Schedules for Christchurch and East Dorset RESPONSE FORM

	<b>Your Details</b>	<b>Agent's Details</b> <i>(please <b>only</b> complete if you are using an agent)</i>
<b>Title</b>	Mr	Mr
<b>Full Name</b>	Gary Cox	Matt Gilks
<b>Job Title</b>	Clerk to Trustees	Solicitor
<b>Organisation</b>	Talbot Village Trust	Dutton Gregory Solicitors
<b>Address</b>	5 Parkstone Road Poole	23 St Peters Street Winchester
<b>Postcode</b>	BH15 2NL	SO23 8BT
<b>Email</b>	garycox@dickinsonmanser.co.uk	m.gilks@duttongregory.co.uk
<b>Telephone</b>	01202 673071	01962 624401

### Question 1: Do you wish to be heard in support of your representations at the Public Examination of the Draft Charging Schedule?

*Please note that the Inspector will decide if a public hearing session is required as part of the examination process. You may choose to request to appear at a public hearing to clarify your comments, but you must communicate this to the Council before the close of the consultation. If you do not wish to be heard at the examination, your written representations will carry the same weight as those made by respondents who appear and are heard in support of their representations.*

No, I do not wish to participate at the oral examination:

Yes, I wish to participate at the oral examination:

### Question 2: Do you agree or disagree with the proposed rates contained in the Draft Charging Schedule?

Agree:

Disagree:

***Further comments on Question 2:***

Please refer to the submissions on the attached sheet.

**Question 3: Do you think that the proposed CIL rates strike an appropriate balance between the desirability of funding infrastructure through CIL and the potential effects of imposing a CIL on the Borough and District?**

Please refer to the submissions on the attached sheet.

**Question 4: Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view?**

**Question 5: Do you agree or disagree with the Councils' approach to discretionary relief?**

Agree:

Disagree:

***Further comments on Question 5:***

Please refer to the submissions on the attached sheet.

**Question 6: Do you have any comments on the draft Regulation 123 list which sets out the infrastructure to be funded by CIL and where the Councils will continue to seek S106/S278 contributions?**

Please refer to the submissions on the attached sheet.

**Question 7: Do you agree or disagree with the draft CIL instalments policy?**

Agree:

Disagree:

***Further comments on Question 7:***

**Question 8: Do you agree or disagree with the draft 'payment in kind' policy?**

Agree:

Disagree:

***Further comments on Question 8:***

Please refer to the submissions on the attached sheet.



## Question 9: Any other comments

Please refer to the submissions on the attached sheet.

### Please indicate if you wish to be notified of any of the following:

That the Draft Charging Schedules have been submitted to the examiner in accordance with Section 212 of the Planning Act 2008



The publication of the recommendations of the examiner and the reasons for those recommendations



The approval of the Charging Schedules by the charging authorities



### Please sign and date:

Signature:

Date:

Please send completed forms by **Wednesday 18<sup>th</sup> June 2014** to:

**East Dorset District Council, Council Offices, Furzehill, BH21 4HN**

Or, alternatively email them to **[planningpolicy@christchurchandeastdorset.gov.uk](mailto:planningpolicy@christchurchandeastdorset.gov.uk)**

*Please note: Comments cannot be treated as confidential and therefore by responding, you are agreeing to your information being disclosed to third parties.*

*All comments made must be supported by your full name and address. Comments will be published on the Council's website along with your full name.*

#### **Data Protection** (Please tick the relevant boxes)

I/we understand that Christchurch Borough Council / East Dorset District Council will use the information that I/we have provided for the purpose of the Community Infrastructure Levy. I/we consent to Christchurch Borough Council / East Dorset District Council disclosing my/our information to third parties for this purpose.

I understand that I/we have the right to ask for a copy of the information held about me/us and which is subject of Data Protection Act 1998 (for which Christchurch Borough Council / East Dorset District Council may make a charge) and to correct any inaccuracies in my/our information.

**Data Protection Act 1998:** Any information provided will be treated in strict confidence and will be held on and processed by computer.

## Representations and Submission by the Talbot Village Trust

### Draft Charging Schedules for Christchurch and East Dorset Consultation 7 May to 18 June 2014

1. This Submission sets out the representations of Talbot Village Trust ('the Trust') on the Draft Charging Schedules for Christchurch and East Dorset (the DCS). The DCS is available for public consultation from 7 May until 18 June 2014 ('Consultation') pursuant to Regulation 17(1) of the Community Infrastructure Levy Regulations 2010, as amended most recently by S.I 2014/385 (the 2014 Amendment)<sup>1</sup>.
  
2. This Submission provides an Introduction to the Trust and its current and proposed activities together with a response to Questions 1, 2, 3, 5, 6, 8 and 9 posed in paragraph 7.8 of the Consultation and summarised below.
  - 2.1. Question 1 – wish to be heard at the Public Examination?
  - 2.2. Question 2 – proposed rates?
  - 2.3. Question 3 – strike an appropriate balance?
  - 2.4. Question 5 – do you agree with the approach to discretionary relief?
  - 2.5. Question 6 – comments on the draft Regulation 123 list?
  - 2.6. Question 8 – do you agree with the draft payment in kind policy?
  - 2.7. Question 9 – any other comments?
  
3. The Submission does not deal with Question 4 (evidence on viability) or Question 7 (instalments policy).

#### Introduction to the Trust

4. The Trust is the legacy of two sisters, Miss Georgina and Miss Mary Anne Talbot. They founded Talbot Village in the mid 19th century as a reaction to the rural poverty they experienced in the area. The village provided housing, a school and a church as well as agricultural land to grow food. Thanks to the sisters' philanthropic approach, the Trust has been able to grow into one of the county's principal benefactors. As a result of a careful investment programme and the gradual sale of farmland for redevelopment, the Trustees are able to maintain and hopefully increase the value of the fund and thus continue to plough crucial financial support back into the local community.
  
5. The Trust is registered in the register of charities kept by the Charity Commissioners under section 29 of the Charities Act 2011. Consequently, the Trust is both a "charitable institution", and "charity" for

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<sup>1</sup> The 2014 Amendment came into force on 24 February 2014 with transitional provisions made by regulation 14 of that amending instrument. In this submission, the Community Infrastructure Regulations (as amended) are described throughout as the 2010 Regulations. Where a reference is made to a Regulation in this submission, that is a reference to a Regulation under the 2010 Regulations unless otherwise indicated.

the purposes of CIL. The Trust is a person eligible for charitable relief for the purposes of Part 6 of the 2010 Regulations: see Regulation 41(2).

6. When the Trust was first established, Talbot Village was in an isolated position, well clear of the nearest towns. Bournemouth was a small, but rapidly growing seaside town, and Poole a small but long established port. There was uninterrupted countryside between the village and each town.
7. Over the next hundred years or so, the conurbations of Bournemouth and Poole grew considerably, so that by the 1950's the village was, in effect, surrounded by suburbia. By then the farming units, which formed part of the original settlement, were not viable, and pressures on the Trustees' land, for housing and other uses, were considerable.
8. Since 1945 all but one of the six farms have closed, and by the early 1970's a significant part of the Trustees' land had been compulsorily purchased, principally for educational use and council housing schemes.
9. In the light of these developments, the Trustees decided, in the late 1960's, to take a proactive stance on planning matters, and to this end they promoted a Local Plan for their land to the south of Wallisdown Road, which was adopted by the planning authority, the Borough of Poole.
10. Since then, the Trustees have sold part of that land for housing development, but they have also promoted major housing schemes to assist the elderly, disabled, and students.
11. Profits from land sales are retained by the Trust and invested, the income from which is then ploughed back into the local community via the Trustees' charitable giving and support. In addition, the Trust takes a modern approach to charitable investment. The Trustees are always alert to the opportunity to make prudent partnership arrangements provided that the investments continue to benefit the community in accordance with the Trust's charitable objects.
12. The Trust is actively considering or is invited to consider proposals for charitable investment across its Area of Benefit. The Trustees Area of Benefit is limited to the local authority districts of Poole, Bournemouth, Christchurch, Isle of Purbeck and East Dorset. Hence, the availability of discretionary relief pursuant to Regulation 44 is of considerable importance to the Trust in respect of the administrative areas which are the subject of the Consultation.
13. The Trust may be able to help or assist a capital project in its Area of Benefit, which assists the young, elderly or disadvantaged. This Area of Benefit includes Christchurch and East Dorset District Councils.
14. The Trustees are particularly interested in local projects which, otherwise, might not succeed without their help. As a matter of general policy, the Trustees do not contribute towards running costs or revenue items of expenditure. The Trustees have leased land to Bournemouth University for student accommodation. They have also leased land to Hanover Housing Association and Ability Housing for elderly, disabled and social housing. All three complexes have been built by the Trustees to a very high standard, and are let on terms which enable the Trustees to fulfil their charitable objectives. Within the



University complex, the Trustees have also funded the Student services Centre which is let to Bournemouth University.

15. The Trust is anxious to ensure it retains the flexibility to involve itself in a range of partnership arrangements held locally for investment purposes where discretionary relief may be appropriate to support the objects of the charity. Crucially, projects which are considered must be able to demonstrate a commitment to the Trust objects, as well as their sustainability and viability.

**Question 1 – wish to be heard at the Public Examination?**

16. The Trust shall wish to be heard at the Public Examination.

**Question 2 – proposed rates?**

17. The main focus of this Submission is on discretionary charitable investment relief. However, it is noted that no consideration has been given to an adjusted or zero rate in place of discretionary investment relief. The policy reasons why such a rate ought to be considered are set out elsewhere in this Submission.

**Question 3 – strike an appropriate balance?**

18. It is submitted for the reasons given elsewhere in this Submission and in particular in the answer to Question 5 that without discretionary relief or a zero or adjusted rate the proposals will not strike an appropriate balance.

**Question 5 – do you agree with the approach to discretionary relief?**

19. The Trust does not agree with the approach to discretionary charitable investment relief or the charging authorities' intention not to make it available under Regulation 44.
20. Regulation 44 provides eligibility for relief from liability to pay CIL in respect of a chargeable development in circumstances where the whole or greater part of the chargeable development will be held by a charitable institution or by charitable institutions as an investment from which the profits will be applied for charitable purposes (whether of the charitable institution or for the purposes of other charitable institutions).
21. The criticisms can be summarised as follows:
- 21.1. The justification for the approach to discretionary relief given by the charging authorities in the response to the PDCS is unhelpful and inappropriate.
  - 21.2. That the charging authorities have failed to use appropriate available evidence to inform the preparation of a charging schedule, and/or failed to present such evidence in the Consultation. There is evidence readily available to the charging authorities.

- 21.3. Consequently there is no evidential basis whatsoever to justify the conclusion in 2.11 of the Consultation.
- 21.4. That there are sound reasons why the Examiner must consider the weight to be given to the planning policy reasons set out in the Local Plan which indicate why relief ought to be considered.
- 21.5. Were evidence forthcoming from the charging authorities, then the Trust and other charities would bring forward evidence that the possibility of relief from CIL in connection with investment activities is likely to have an effect on relevant investment decisions.

*Approach to discretionary relief for charitable investments – preliminary consultation and response*

22. In the Preliminary Draft Charging Schedule (PDCS) there was an indication that the consultation process included consideration of the scope for charitable investment relief:

2.7 Discretionary relief is available for charitable investment relief. To be considered for relief, the whole or greater part of the chargeable development must be held as an investment from which the profits will be applied for charitable purposes.

23. The PDCS then dealt with exceptional circumstances relief and concluded:

2.9 Christchurch and East Dorset Councils do not propose to make discretionary relief available for exceptional circumstances which is consistent with the conclusions of the viability assessment undertaken by Peter Brett Associates which has informed the CIL schedule.

24. The PDCS is a clear indication that the process undertaken and associated with the Community Infrastructure Levy is the occasion upon which the charging authorities are carrying out a consultation upon, and seeking representations upon, the question of whether it is appropriate to grant charitable investment relief.
25. There is no indication in the PDCS that (a) provision for charitable investment relief has been ruled out cf. exceptional circumstances relief. Consequently, the charging authorities' *Analysis of the Responses to the Preliminary Draft Charging Schedule May 2014* (Regulation 15(7) statement) does not deal with paragraph 2.7, since there were no responses on this point. Responses were made by others in relation to the policy of exceptional circumstances relief.
26. For discretionary relief, the whole or greater part of the chargeable development must be held as an investment from which the profits (if any) will be applied for charitable purposes. Fifty-one per cent or more of the monetary value will constitute the greater part. The chargeable development must be held by the claimant for relief or other charitable institutions and the profits applied must be those of the claimant. This is not a relief for trading activity (other than the sale of donated goods).

*Appropriate available evidence and evidence which is readily available*

27. Paragraph 2.11 of the DCS is a statement of policy by the charging authorities that they do not intend to grant discretionary charitable investment relief. Applying general public law principles, a public authority may only exercise its discretion rationally and fairly. The formulation of a policy about the exercise of that discretion, as a matter of law, must be founded upon a bedrock of sufficient evidence. That requirement is separate to and in addition to any requirements imposed by the Planning Act 2008 and the 2010 Regulations.
28. In any event, section 211(1) makes it clear that the duties upon the charging authorities include the consideration of 'rates, or other criteria' by reference to which the amount of CIL is to be determined. The authorities 'must strike an appropriate balance' (an objective test and not discretionary) between desirability of funding infrastructure from CIL and other sources and the potential effects of the imposition of CIL on the economic viability of development across its area.
29. The lawful consideration of 'rates, or other criteria' required at examination must include, as a matter of common sense, the question of whether the availability of charitable investment relief will have an effect on the economic viability of development across its area.
30. This is acknowledged by the charging authorities' inclusion of paragraph 2.11 in the DCS. If the matter of charitable investment relief were immaterial to the relevant legal considerations, then any determination of the point would have been superfluous to the legal thresholds in the Planning Act 2008 and the 2010 Regulations.
31. It follows that the requirements of section 211(7A) of the Planning Act 2008 (use of appropriate available evidence) and Regulations 16(1)(b)(ii) and 19(1)(e) are in point.
32. The Trust submits there is appropriate available evidence available to the charging authorities. It offers two examples of how readily that evidence is available:
- 32.1. In 2010, East Dorset District Council commissioned Halcrow to develop Total Place Reviews for the town centres of Ferndown and Wimborne Minster. Many of its findings emphasised the importance of charities to community life and development of those centres.
- 32.2. The East Dorset News Spring 2014 reported the partnership funding of the sports hall at Emmanuel Middle School in Verwood.
33. The Trust submits that it is not possible for the charging authorities to refute the point that there is more than sufficient evidence readily available for the proper consideration of the negative impact that a decision to reject the avenue of charitable investment relief might have upon the economic viability of development across its area. This is a flaw in the Peter Brett Viability Assessment.

*No basis for paragraph 2.11 of the Consultation*

34. The charging authorities' assertions and policy are rejected as matters of principle and in fact.

35. The key statement is that 'It is not proposed to make relief available for charitable investment as the circumstances in which such development would come forward in Christchurch and East Dorset are rare.'
36. As a matter of fact the most cursory survey of the charitable sector in Christchurch and East Dorset would indicate a contrary view:
- 36.1. Since 2000, Dorset Community Foundation have administered and distributed more than £10m in charitable grants and helped thousands of local charities, projects and good causes across Dorset.
- 36.2. Examples of cases where Talbot Village Trust have provided an investment element include:
- 36.2.1. During the past 25 years, the Trust has funded a number of projects at Bournemouth University including the Student Village and Student Services Centre totalling around £6.5 million. Ongoing support is also provided via non commercial rents and the financing of the important position of the shared university chaplain for both the University and Arts University College Bournemouth.
- 36.2.2. Hanover Housing Association is one of the leading providers and managers of high quality retirement housing. During the 1980's, the Trust funded the construction of Georgina Talbot House at Mickleham Close, Poole, which consists of 34 sheltered flats for the elderly. Following the initial investment of £4.2million, the Trust has provided ongoing support including the refurbishment of bathrooms.
37. The discretionary relief from business rates in East Dorset is available in a wide variety of circumstances. Discretionary rate relief is available for a range of organisations and can be awarded in addition to mandatory charitable relief.
38. The amount of relief ranges from 10% to 60%. Some organisations, such as Music Groups or Social Clubs may not enjoy charitable status but may receive investment by charities. The Trust suggest similar circumstances might arise in relation to new developments, where for commercial, delivery or financing considerations the legal owner may not be a charity. Such partnership arrangements are not uncommon.
39. In any event, It does not seem rational to exclude the possibility of granting a discretionary relief for charitable investment activities on the basis of that kind of investment being rare for two simple reasons
- 39.1. there is no accumulated evidential basis for the assertion in the Consultation or its associated documents; and
- 39.2. the likelihood of the occurrence of the event for which relief is claimed as opposed to cases whether a claim for discretionary relief would not arise is not a sensible basis to determine the merits whether relief is warranted as a matter of principle. The circumstances in which a relief may be available is *a fortiori* outside the ordinary range of circumstances in which development might come forward.

40. For all the reasons stated here, the Examiner is urged to reject the evidence, reasoning and policy expressed in paragraph 2.11 of the Consultation as falling below the legal threshold required by the Planning Act 2008.

### *Local Plan Policy*

41. Local Plan Policy sets out the charging authorities' development objectives. At a minimum, the following two Local Plan policies are in point:

- 41.1. Policy LN6: Housing and Accommodation Proposals for Vulnerable People; and
- 41.2. Policy LN7: Community Facilities and Services.

42. It is submitted that it is likely the objectives of these plan policies will be assisted by charitable investment. As respects Policy LN6, the Local Plan indicates (at Section 15.3):

The opportunity to provide new homes is a chance to meet the housing needs of the local community. It is important that the right mix of housing is developed over the plan area over the forthcoming years. The housing must be appropriate to the needs of the community, providing a range of types, sizes and tenures to meet the needs of existing and future households including housing for the elderly and other specialist housing needs.

43. Homes for vulnerable people may incur a CIL charge if the development is classified as residential. If they are to be so classified then the charitable sector has an important role to play.

44. The commentary to Policy LN7 explains that the aim of the policy is for the local authority to work with partners and service providers to ensure the timely provision of high quality, convenient, local and accessible facilities and services for community and cultural use such as education, health, libraries, facilities for older people / children and young people and community buildings.

45. The policy of the Council is to ensure:

*priority will be given to any proposals to allow the multi-use of existing facilities, followed by the expansion of existing, well located facilities to allow for the co-location of facilities and services (emphasis added).*

46. This policy approach is a clear signal that charities wishing to invest in capital projects for housing and community facilities may be required to find partners. The greater part of the chargeable development will be held as an investment. Such developments may be subject to a CIL charge. In these circumstances, it is submitted that the charging authorities' policy that there should be no possibility of relief from charitable investment is detrimental to the objectives of the Local Plan.

## *Effect on investment decisions – Trust and the wider charitable sector*

47. No evidence has been provided by the charging authorities as to the effect on investment decisions of charities if there is no relief for charitable investment.
48. The Trust is of the view that the policy will result in a negative effect. Charitable institutions are unable to explore partnering arrangements if they begin from the starting point that partnership arrangements with the private sector are not attractive because the charity's contribution will be treated as if it were a private investment. It is also relevant that the investment in development in the third sector is likely to provide a less attractive investment 'return' and hence in those circumstances investment assistance ought to be provided where possible. This indicates the opportunity to obtain relief ought to be granted.
49. At Examination the Clerk to the Trustees shall give evidence that
- 49.1. During the next 5 – 10 years, and arising from emerging development opportunities, the Trust is likely to be in a position to make major investments in the promotion of schemes for business incubation/start-up units, sheltered housing for the disabled and frail elderly, and student accommodation.
- 49.2. Additionally, the Trust's rolling five year plan provides for the possible acquisition of another village to be operated and developed in furtherance of the Trust's charitable objectives.
- 49.3. Depending on the availability of grants/funding, these schemes may or may not be promoted with other charities and/or commercial operators. The absence of CIL relief could be a factor in determining where, within the Trustees' Area of Benefit, these facilities are to be located.
50. In conclusion, the charging authorities' approach to discretionary relief for charitable investment purposes is not agreed, on the grounds that it has no sound evidential or policy basis.

### **Question 6 – comments on the draft Regulation 123 list?**

51. It is not irrelevant that the funding gap for education, health facilities and community buildings (which are often supported by charities) amounts to no less than £63,427,796. It is difficult to understand how excluding any possibility of charitable investment relief as a matter of principle (at the present time in relation to chargeable development for residential, care homes and convenience retail development) can be reconciled with encouraging charitable investment in those sectors.

### **Question 8 – do you agree with the draft payment in kind policy?**

52. The payment in kind policy only arises as a land or infrastructure payment in lieu of CIL. Circumstances might arise in which the value of capital investment contribution by a charity provided in partnership

with a developer would be set off against CIL. While this could meet a CIL liability, the fact that CIL was payable at all would reduce the value of the capital contribution, and hence the amount available for charitable reinvestment.

### **Question 9 – any other comments?**

53. Further comments are confined to:

53.1. Consultation documents: description of the legal requirements of the Planning Act 2008 and the 2010 Regulations; and

53.2. Equality Impact Assessment.

*Consultation documents: description of the legal requirements of the Planning Act 2008 and the 2010 Regulations*

54. The viability assessment by Peter Brett Associates is set out on the basis of the legal requirements upon the charging authorities prior to the 2014 Amendment. Charging authorities now face a more exacting test at examination to prove that they have struck an appropriate balance between the desirability of funding infrastructure through CIL and affecting development viability. It is no longer the law that the charging authority can simply 'aim to' strike 'what appears to the charging authority to be' an appropriate balance.

55. The 2014 Amendment enables charging authorities to set different rates for different schemes, such as types of residential development. In such cases housing for vulnerable persons might be considered at a nil or reduced rate. The charging authorities' evidence does not 'scope' this possibility.

56. An objective test calls for more rigorous evidence is required in terms of examining the impact of the DCS on development types. One example is residential in the form of assisted living development.

57. In our submission these are material errors within the Consultation and associated documents which are likely to mean those responding to this public consultation will not have been made aware of the correct legal tests imposed upon the charging authorities.

58. These circumstances are likely to result in responses that are not properly informed and may prejudice the information available to the Consultation and examination in public. This has adverse implications for the legality of this statutory consultation. Members of the public ought to be provided with accurate information: see *R (on the application of Madden and others) v Bury Metropolitan Borough Council*[2002] EWHC (Admin) 1882 per Richards J. at [62] to [64].

## *Equality Impact Assessment (EqIA)*

59. The charging authorities have not provided evidence of an EqIA in the Consultation. Parliament has enacted legislation in section 149 of the Equality Act 2010 to ensure that the charging authorities must:

- 59.1. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- 59.2. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

60. It is submitted that evidence ought to be brought forward to demonstrate that the charging authorities have discharged the section 149 duty. It is submitted that the introduction of discretionary charitable relief would be a step towards meeting the needs of persons with protected characteristics.

### *Meeting the legal threshold*

61. Charging authorities should set a rate which does not threaten the viability and ability to develop the sites and scale of development identified in the Local Plan. That includes development for vulnerable persons.

62. Two of the Local Plan relevant policies are identified in this submission. There is no evidence of whether the decision not to enable charitable investment relief will threaten important policy objectives in the Local Plan. It is submitted that the absence of relief will have such an effect, taking into account the Trustees historic development activity.

63. The Trustees are extremely active and are considering a number of important opportunities over the life of the Local Plan. Hence the importance of making the case for charitable investment relief.

### *Examiner's duty*

64. Among other things the Examiner is respectfully asked to consider whether the legal tests have been met taking into account:

- 64.1. the draft charging schedule is not supported by background documents containing appropriate available evidence in relation to the impact of the rates, if charitable investment relief is not available;



- 64.2. the proposed rate or rates are not informed by and consistent with any evidence on economic viability across the charging authority's area, when one takes into account the historic role of charitable investment within Dorset as a whole;
- 64.3. insufficient evidence has been provided to show the proposed rate or rates would not threaten delivery of the relevant Local Plan as a whole, as respects those Local Plan policies identified in this Submission;
- 64.4. it is not clear that the Consultation document is legally sound. We submit it is not, because it does not properly explain or only partly explains the changes brought about by the 2014 Amendments; and
- 64.5. that there is no evidence of consideration of the introduction of CIL or the DCS taking into account the duty imposed by section 149 of the Equality Act 2010 or the impact on those persons with protected characteristics being those that are more in need of a benefit from charitable investment activities than the remainder of the population of Dorset.

## Conclusions

### *The Examiner*

65. For these reasons we respectfully submit that the Examiner, in exercise of the powers set out in section 212 and 212A of the Planning Act 2008:

65.1. Rejects the DCS on the basis that:

65.1.1. the availability or otherwise of discretionary charitable relief ought to have been considered with appropriate available evidence (not simply based on an assertion of rarity).

65.1.2. the absence of evidence means the DCS is not the result of a legally sound balancing exercise required by Regulation 14 and the Planning Act 2008.

65.2. Calls for the charging authorities to bring forward properly researched evidence at examination, of their estimate of the extent of charitable investment activity in the Local Plan area.

65.3. Considers suggesting the charging authorities withdraw and resubmit the Consultation with accurate information about the legal requirements imposed by the Planning Act 2008, and the 2014 Amendment.

65.4. Recommends that the charging authorities undertake an assessment of the impact of the DCS prior to adoption of the DCS to ensure legal compliance with equality legislation.

65.5. Makes appropriate recommendations including that the charging authorities should bring forward a policy for charitable investment relief in accordance with Regulation 46.

### *The Charging Authorities*

65.6. We call on the Christchurch and East Dorset District Councils to:

65.7. Recognise the contribution of charities in the Local Plan area and the importance of creating the most attractive and viable investment environment for charities, including the Trust.

65.8. Gather available evidence to demonstrate how charitable investment might impact on the delivery of development in the Local Plan.

65.9. Distinguish between general residential development and the special viability challenges of development for assisted and supported living, or a range of other development types, in which charitable investment might be absolutely crucial.

65.10. Reverse the policy stated in paragraph 2.11 of the Consultation not to make charitable investment relief available in its area, simply upon the basis of an unsupported assertion that such activity will be 'rare'.

65.11. Consider the real risks to the delivery of development identified in the Local Plan as required if charitable investment relief is not forthcoming.

65.12. Consider the legal requirement to discharge equality duties in reformulating the CIL policy, the Consultation, the DCS and its general policy on discretionary charitable investment relief.

65.13. Acknowledge the commitment and activity of the Trustees will continue and that the greatest encouragement to a range of viable investment in Christchurch and East Dorset will require:

65.13.1. the possibility of discretionary charitable investment relief; and

65.13.2. partnership to deliver development together with other charities, developers and public sector providers throughout the Local Plan period.

66. In addition to these representations, and for the avoidance of doubt the Trust requests:

66.1. To be heard by the examiner at the examination of the DCS.

66.2. The right to be notified of the following events:

66.2.1. Submission of the draft charging schedule to the examiner in accordance with section 212 of the Planning Act 2008.

66.2.2. Publication of the recommendations of the examiner and the reasons for those recommendations.

66.2.3. Approval of the charging schedule by the charging authority.

67. The notifications required should be made to Mr Gary Cox, Clerk to Talbot Village Trustees, 5 Parkstone Road, Poole, BH15 2NL.

Dutton Gregory LLP, on behalf of Mr Gary Cox, Clerk to the **Talbot Village Trustees**

13 June 2014